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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,743	04/04/2000	Allan Havemose	AMI 99 0004	5093

32718 7590 12/13/2006	EXAMINER
GATEWAY, INC. ATTN: SCOTT CHARLES RICHARDSON 610 GATEWAY DR., Y-04 N. SIOUX CITY, SD 57049	TRUONG, LECHI

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/542,743	HAVEMOSE, ALLAN
	Examiner	Art Unit	
	LeChi Truong	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 March 2006*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24, 40 and 41* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24, 40&41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

1.   Claims 1-24, 40 and 41 are presented for the examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims **1, 2, 13, 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Cockrill et al (Us Patent 6,473,740 B2) in view of Freund et al (US. Patent 6,138,169) and

further in view of Paul Dreyfus (CORBA: Theory and Practice).

4.   **As to claim 1**, Corkrill teaches the invention substantially as claimed including a method

of performing a transaction in a network (transaction network, col 3, ln 54-67), comprising

receiving content (the purchase, the purchased item, col 4, ln 40-56/ col 7, ln 60-67);

an transaction object (a transaction record, col 4, ln 35-56/ col 7, ln 60-67/ a transaction network

request, col 19, ln 5-30), a fist digital information appliance (the customer, col 4, ln 35-56/ col 7,

ln 60-67); monitoring usage of the content (the price of the selected item, col 19, ln 5-30),

a utilization event of the monitored usage (the identity of the user, col 19, ln 5-30), an

occurrence of the utilization event (a pending transaction record, the sum of the prices of the

pending transaction records indicating the identity of user, col 19, ln 5-35), storing an occurrence

of the utilization (storing a pending transaction record indicating identify of the user…the

purchase request originated, col 20, ln 1-25), transmitting data related the stored occurrence

(forward payment request , col 9, ln 10-20), a network(a secure network , col 9, ln 10-20).

5.   Cockrill does not explicitly teach transaction as object, the content and transaction

information are encapsulated in the transaction object. However, Freund teaches transaction as

object, the content and transaction information is encapsulated in the transaction object (A

transaction object is an object whose behavior is affected by being invoked within the scope of a

transaction. A transaction object typically contains or refers to persistent data that can be

modified by transaction request, col 5, ln 27-31).

6.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teaching of Cockrill and Freund because Freund's transaction as

object, the content and transaction information are encapsulated in the transaction object system

would improve the efficiency of Cockrill's system by allowing the object oriented systems to

operate with existing of procedure transaction processing system.

7.   Crockrill and Freund do not teach a network via a direct, object to object communication

for transaction. However, Paul teaches a network via a direct, object-to-object communication

for transaction (CORBA takes care of how your object … handles object-to-object transactions,

sec: Architecture and ORBs, ln 13-15/ a transaction service, which defines transactions between

objects, sec: Architecture and ORBs, ln 23-25).

8.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Crockrill, Freund and Paul because Paul's a network via a

direct, object to object communication for transaction would improve efficiency of Crockrill and

Freund's systems by allowing ORB to provide a standard, open means of interoperability

between software objects distributed across the Internet.

9.   **As to claim 2,** Cockrill teaches request is send over a network connection (network, col

7, ln 43-67).

10.   **As to claim 13,** it is an apparatus claim of claim 1; therefore, it is rejected for the same

reason as claim 1 above. Additional, Corkrill teaches processor on a digital information

appliance (CPU 510, col 9, ln 42-45), a network connection device (a network connection, col 9,

ln 42-45), a memory (memory, col 9, ln 25-30).

11.   **As to claim 14,** it is an apparatus claim of claim 2; therefore, it is rejected for the same

reason as claim 2 above.

12.   As to claims 40, 41, Cockill teaches the transact ion information includes billing

information and security information (col 13, ln 45-52).

13.   Claims **3-6, 8-12, 15-18, 20-24** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Cockrill et al (US Patent 6,473,740 B2) in view of Freund et al (US. Patent 6,138,169), *in*

view of Paul Dreyfus (CORBA: Theory and Practice), as applied to claim 1 above, and further in

view of Saulpaugh et al (US. Patent 5,590, 334).

14.   **As to claim 3,** Cockrill, Freund and Paul do not teach a request object. However,

Saulpaugh teaches a request object (the object oriented passing unit, col 3, ln 24-67).

15.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Cockrill, Freund, Paul and Saulpaugh because

Saulpaugh's request object would improve the efficiency of Cockrill, Freund, Paul 's systems by reducing the time required to perform time critical operations between client tasks and server tasks.

16.   **As to claim 4,** Saulpaugh teaches a request interface dynamic base object (a message object, an acceptance function with a port object, acceptance function for performing one or more services, col 3, ln 23-67).

17.   **As to claim 5,** Cockrill teaches the user-defined criterion (payment information, col 4, ln 35-65).

18.   **As to claim 6,** Cockrill teaches cost, pricing (payment, col 11, ln 15-35), plurality digital information appliances (number of customers, col 3, ln 54-67).

19.   **As to claim 8,** Cockrill teaches the first and second of transaction object (a pending transaction record, the sum of the prices of the pending transaction records indicating the identity of user, col 19, ln 5-35).

20.   **As to claim 9,** Cockrill teaches payment (payment information, col 4, ln 30-57) and Gilchrist teaches algorithm for the payment of transaction object (message is received as a class of message objects, with out modify the system program, col 3, ln 1-25).

21.   **As to claim 10,** Corkrill teaches the second digital information appliance (one of merchants, col 3, ln 55-67 to col 4, ln 1-20).

22.   **As to claim 11,** Corkrill teaches a central transaction authenticator (centralized, automated services, col 4, ln 1-30), storing and updating user account information (customer account management, col 4, ln 1-15).

23.   **As to claim 12,** Corkill teaches media and network connection (network as well as an

electronic mail, col 4, ln 35-55).

24.   **As to claims 15- 18, 20-24,** they are apparatus claims of claims 4-12; therefore, they are

rejected for the same reasons as claims 4-12 above.

25.   Claims **7, 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cockrill et al

(Us Patent 6,473,740 B2) in view of Freund et al (US. Patent 6,138,169), in view of Paul

Dreyfus (CORBA: Theory and Practice), as applied to claim 1 above, and further in view of

Sato (Facsimile system).

26.   **As to claim 7,** Corkrill, Freund and Paul do not teach saving the occurrence of the

utilization event when the network connection is not available. However, Sato teaches saving the

occurrence of the utilization event when the network connection is not available (the

transmission line is busy the transfer is not available, the read picture information is stored in a

SAF memory, page 1).

27.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Cockrill, Freund, Paul and Sato because Sato's the storing

information would improve the efficiency of Cockrill, Freund and Paul's systems by allowing a

transmission without incurring cost increase.

28.   **As to claim 19,** it is an apparatus claim of claim 7; therefore, it is rejected for the same

reason as claim 7 above.

Response to the argument

29.   Applicant's arguments filed 3/13/2006 have been considered but are moot in view of the new ground(s) of rejection. Applicant amended the claims Paul 's reference meets the amended feature.

     Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

     A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

     Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR of Public PAIP. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIP

system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

December 7, 2006